# OPINIONS AND DECLARATIONS RENDERED BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

## FRANCIS HEMMING, C.M.G., C.B.E. Secretary to the Commission

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## **OPINION 400**

Validation under the Plenary Powers of the generic name *Melanargia* Meigen, [1828] (Class Insecta, Order Lepidoptera)



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## INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

#### COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 400 1

#### The Officers of the Commission

Honorary Life President: Dr. Karl Jordan (British Museum (Natural History), Zoological Museum, Tring, Herts, England).

President: Professor James Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) (12th August 1953)

Vice-President: Senhor Dr. Afranio do Amaral (Sao Paulo, Brazil) (12th August 1953) Secretary: Mr. Francis Hemming (London, England) (27th July 1948)

#### B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

Professor H. Boschma (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) Ist January 1947)
Senor Dr. Angel Cabrera (La Plata, Argentina) (27th July 1948)
Mr. Francis Hemming (London, England) (27th July 1948) (Secretary)
Dr. Henning Lemche (Universitetets Zoologiske Museum, Copenhagen, Denmark) (27th

July 1948)

July 1940)
Professor Teiso Esaki (Kyushu University, Fukuoka, Japan) (17th April 1950)
Professor Pierre Bonnet (Université de Toulouse, France) (9th June 1950)
Mr. Norman Denbigh Riley (British Museum (Natural History), London) (9th June 1950)
Professor Tadeusz Jaczewski (Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland) (15th June 1950)

Professor Robert Mertens (Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany) (5th July 1950)
Professor Erich Martin Hering (Zoologisches Museum der Humboldt-Universität zu

Professor Erich Martin Hering (Zoologisches Museum der Humboldt-Universität zu Berlin, Germany) (5th July 1950)
Senhor Dr. Afranio do Amaral (S. Paulo, Brazil) (12th August 1953) (Vice-President)
Professor J. R. Dymond (University of Toronto, Toronto, Canada) (12th August 1953)
Professor J. Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) (12th August 1953) (President)
Professor Harold E. Vokes (Johns Hopkins University, Baltimore, Maryland, U.S.A.) (12th August 1953)
Professor Bala Harva (Margandasia Maryland, U.S.A.)

Professor Béla HANKÓ (Mezőgazdasági Muzeum, Budapest, Hungary) (12th August 1953) Dr. Norman R. Stoll (Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.) (12th August 1953

Mr. P. C. Sylvester-Bradley (Sheffield University, Sheffield, England) (12th August 1953)
Dr. L. B. Holthuis (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) (12th August 1953)

Dr. K. H. L. Key (Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia) (15th October 1954)

Dr. Alden H. Miller (Museum of Vertebrate Zoology, University of California, U.S.A.) (29th October 1954)

Doc. Dr. Ferninand Prantl (Národni Museum v Praze, Prague, Czechoslovakia) (30th

October 1954)
Professor Dr. Wilhelm Kühnelt (Zoologisches Institut der Universität, Vienna, Austria)
(6th November 1954)

Professor F. S. Bodenheimer (The Hebrew University, Jerusalem, Israel) (11th November 1953)

## **OPINION 400**

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "MELANARGIA" MEIGEN, [1828] (CLASS INSECTA, ORDER LEPIDOPTERA)

RULING:—(1) Under the Plenary Powers the generic name Agapetes Billberg (G.J.), 1820 (Class Insecta, Order Lepidoptera) is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

- (2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 991:—*Melanargia* Meigen, [1828]<sup>1</sup> (gender: feminine) (type species, by selection by Kirby (1894): *Papilio galathea* Linnaeus, 1758).
- (3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Nos. 697 and 698 respectively:—
  - (a) galathea Linnaeus, 1758, as published in the combination Papilio galathea (specific name of type species of Melanargia Meigen, 1828);
  - (b) *lachesis* Hübner, 1790, as published in the combination *Papilio lachesis*.

The title page of volume 1 of Meigen's Syst. Besch. eur. Schmett., in which the name Melanargia was first published, bears the date "1829". This volume was, however, published in Parts, of which Part 1 (: 1—40) appeared in 1827, Parts 2 and 3 (41—122) in 1828 and Part 4 (: 123—170) in 1829 (see Griffin (F.J.), 1931, Ann. Mag. nat. Hist. (10) 8: 421). The name Melanargia appeared on page 97 and was therefore published in [1828]. (intld. F.H.)

- (4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Nos. 416 and 417 respectively:—
  - (a) Arge Hübner, [1819] (a junior homonym of Arge Schrank, 1802);
  - (b) Agapetes Billberg (G.J.), 1820, as suppressed under the Plenary Powers under (1) above.

### I. THE STATEMENT OF THE CASE

On 26th August 1952, the Office of the Commission received the following application by Dr. Jiří Paclt (*Bratislava*, *Czechoslovakia*) for the use of the Plenary Powers to secure that the name *Melanargia* Meigen, [1828] (Class Insecta, Order Lepidoptera) should be the oldest available generic name for the taxon concerned:—

Proposed use of the Plenary Powers to validate the generic name "Melanargia" Meigen, [1828], by suppressing the name "Agapetes" Billberg, 1820 (Class Insecta, Order Lepidoptera)

## By JIŘÍ PACLT

(Bratislava, Czechoslovakia)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers for the purpose of suppressing the name Agapetes Billberg, 1820, thereby validating the well-known name Melanargia Meigen, [1828], for the Palaearctic genus of SATYRIDAE which has borne this name continuously ever since its publication 125 years ago. The facts of this case are set out below.

- 2. The first name given to this genus was Arge Hübner, [1819] (Verz. bek. Schmett. (4): 60), but this name was invalid, being a junior homonym of Arge Schrank, 1802 (Faun. boica 2(2): 209).
- 3. A year later the name Agapetes Billberg, 1820 (Enum. Ins.: 78) was published in a catalogue of the butterflies contained in Billberg's collection; no generic diagnosis was given, the only indication given by Billberg as to how he interpreted this genus being the citation of the names of two species now recognised as being congeneric and both placed by current authors in the genus Melanargia Meigen, [1828] (see paragraph 4 below). The two species so cited were: Papilio galathea Linnaeus, 1758 (Syst. Nat. (ed. 10) 1:474); Papilio lachesis Hübner, 1790 (Beitr. Schmett. 2(3):70, pl. 3, figs. P.1, 23). Of these species the former was selected as the type species of this genus by Scudder in 1875 (Proc. Amer. Acad. Arts Sci., Boston 10:104).
- 4. The name which the present application is concerned to save, *Melanargia* Meigen, was published in 1828 (*Syst. Beschr. europ. Schmett.* 1(3): 97), where it was applied to *Papilio galathea* Linnaeus, 1758, and to a number of its European allies. Meigen did not designate a type species for this genus, but Kirby in 1894 (*in Allen's Nat. Libr.*, Handbook Lepidoptera 1 Butt. 1: 240) selected *Papilio galathea* Linnaeus to be its type species.
- 5. With the exception of a few authors who at one time erroneously applied the name Satyrus Latreille, 1810 (now placed on the Official List of Generic Names in Zoology with Papilio actaea Esper, [1780], as type species) to this genus, all subsequent workers have, with a few very recent exceptions, called this genus by the name Melanargia Meigen. Further, up to 1948 they were perfectly correct in so doing, for it was not until that year that the International Congress of Zoology amended the definition of the expression "indication" as used in Proviso (a) to Article 25 or the Règles in such a way as to accord availability to the names of genera established without any verbal diagnosis and distinguished only by the citation thereunder of the names of previously established nominal species (see 1950, Bull. zool. Nomencl. 4: 78—80). As the purpose of this change was to promote stability and uniformity in nomenclature by validating such of the names belonging to this class as were in general use, it must certainly be concluded conversely that it was intended also to give relief in any case such as the present where the grant of this concession would have an exactly opposite result, that is, where it would itself directly contribute to instability and confusion. The present application is accordingly submitted as falling directly within the intention of the arrangements contemplated at the time when Article 25 of the Règles was modified in the manner described above.

- 6. The action which the International Commission on Zoological Nomenclature is now asked to take is that it should:—
  - (1) use its Plenary Powers to suppress the name Agapetes Billberg, 1820, for the purposes of the Law of Priority but not for those of the Law of Homonymy;
  - (2) place the generic name *Melanargia* Meigen, [1828] (gender of generic name: feminine) (type species, by selection by Kirby (1894): *Papilio galathea* Linnaeus, 1758) on the *Official List of Generic Names in Zoology*;
  - (3) place the under-mentioned specific names on the Official List of Specific Names in Zoology:—
    - (a) galathea Linnaeus, 1758, as published in the combination Papilio galathea (specific name of type species of Melanargia Meigen, [1828]);
    - (b) lachesis Hübner, 1790, as published in the combination Papilio lachesis;
  - (4) place the under-mentioned generic names on the Official Index of Rejected and Invalid Generic Names in Zoology:—
    - (a) Arge Hübner, [1819] (invalid junior homonym of Arge Schrank, 1802);
    - (b) Agapetes Billberg, 1820, as proposed, under (1) above, to be suppressed under the Plenary Powers.

## II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application: Upon the receipt of Dr. Paclt's application the question of the use of the Plenary Powers for the purpose of validating the generic name *Melanargia* Meigen, [1828], was allotted the Registered Number Z.N.(S.) 708.

3. Support received from Mr. N. D. Riley (British Museum (Natural History)) prior to publication: On 7th November 1952, Mr. N. D. Riley (British Museum (Natural History), London) addressed to the Commission the following letter in support of the present application:—

I am interested to learn that Dr. Paclt has suggested to the Commission that they should use their Plenary Powers to suppress the generic name Agapetes Billberg. As a lepidopterist, I am entirely in favour of this. This name has crept into the literature in a somewhat furtive way during the last quarter of a century, and its suppression would formally re-establish the much better known generic name Melanargia. All students of the Palaearctic Rhopalocera will, I am sure, be everlastingly grateful. The case seems a perfectly straightforward one in which only by the use of the Plenary Powers can a clear-cut decision be reached.

- 4. Publication of the present application: The present application was sent to the printer on 22nd November 1952, but owing to the need during 1953 for concentrating the resources of the Office of the Commission on the preparations for the Session of the Commission to be held at Copenhagen in July of that year and later on the arrangements for the publication of the decisions on nomenclature taken at Copenhagen, it was found necessary temporarily to suspend the publication of Parts of the Bulletin of Zoological Nomenclature dealing with applications relating to the status of individual names and similar matters. In consequence it was not until 11th May 1954 that the present application and Mr. Riley's note of support were published in Part 7 of volume 9 of the Bulletin of Zoological Nomenclature (Paclt, 1954, Bull. zool. Nomencl. 9: 221—222); Riley, 1954, ibid. 9: 222 (support for Dr. Paclt's application).
- 5. Issue of Public Notices: Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, Bull. zool. Nomencl. 4:51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 11th May 1954 (a) in Part 7 of volume 9, of the Bulletin of Zoological Nomenclature (the Part in which Dr. Paclt's

application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to certain general zoological serial publications and to a number of entomological serials in Europe and America.

- 6. Comments received: The issue of the Public Notices specified in the preceding paragraph elicited notes of support from three specialists in the Order Lepidoptera. The communications so received are reproduced in the immediately following paragraphs. No objection to the action proposed to be taken under the Plenary Powers in the present case was received from any source.
- 7. Support received from Dr. E. M. Hering (Zoologisches Institut der Humboldt-Universität zu Berlin): On 18th May 1954, Dr. E. M. Hering (Zoologisches Institut der Humboldt-Universität zu Berlin) addressed to the Commission the following letter in support of the present application (Hering, 1954, Bull. zool. Nomencl. 9: 285):—

Es ist dringend zu wünschen, dass dieser seit mehr als 100 Jahren fast ausschliesslich allein gebrauchte Name Melanargia auf die Official List gesetzt wird, zumal er durch die auffallende Erscheinung der Art besonders weitgehend Eingang in allgemeine Werke, Lehr- und Handbücher gefunden hat. Der Vorschlag von Dr. J. Paclt entspricht besonders der Forderung der Präambel der künftigen Revidierten Regeln auf Stabilität und Universalität der Nomenklatur, denen alle anderen Vorschriften unterzuordnen seien.

8. Support received from Mr. Francis Hemming (London): On 25th November 1954, Mr. Francis Hemming (London) addressed a letter to the Commission enclosing the following statement in support of the present application:—

Proposed validation under the Plenary Powers of the generic name "Melanargia" Meigen, [1828] (Class Insecta, Order Lepidoptera)

I should like to associate myself with the request submitted by Dr. Jiří Paclt (1954, Bull. zool. Nomencl. 9:221—222) that the Commission should use its Plenary Powers to suppress the little-known generic name Agapetes Billberg, 1820, for the purpose of preventing the serious disturbance in the nomenclature of the Palaearctic butterflies which would result from the substitution of that name for the name Melanargia Meigen, [1828], which has long been a household word for students of this group.

I feel a certain responsibility in this matter because it was I who in 1934 (Gen. Names hol. Butts. 1:40) first drew attention to the fact that Melanargia Meigen is a junior objective synonym of Agapetes Billberg, each of these nominal genera having Papilio galathea Linneaus, 1758, as type species. At that time this problem was greatly complicated by the nomenclatorial difficulties then connected with the generic name Satyrus Latreille, 1810, the eponym of the historic family SATYRIDAE. For well over one hundred years that nominal genus had been universally regarded as being typified by the large Palaearctic "Browns" but in fact its type species (by selection by Butler, 1867) was the very different South American species Papilio piera Linnaeus, This latter species is the type species of the genus Haetera Fabricius, 1807, of which therefore the name Satyrus Latreille, 1810, was a junior objective synonym. Only two Palaearctic species were included in the genus Satyrus by Latreille, these being Papilio maera Linnaeus, 1758 (commonly referred to the genus Pararge Hübner, [1819]) and *Papilio galathea* Linnaeus, 1758, the type species of Melanargia Meigen and of Agapetes Billberg. The position was obviously one of great difficulty, for, while it was clearly necessary to ask the International Commission to grant relief by using its Plenary Powers to designate some species other than Papilio piera Linnaeus to be the type species of the genus Satyrus Latreille, neither of the originally included Palaearctic species was a member of the large group of species commonly regarded as being typical of that genus.

At that time the reluctance of the Commission to make use of its Plenary Powers was so great that it seemed hopeless to expect that that body would be prepared to use those Powers for the purpose of designating as the type species of Satyrus Latreille a species not included in that genus by its original author, although that would have been the only method by which the long established concept of that genus could have been preserved. The choice therefore seemed to lie between asking the Commission to use its Plenary Powers to designate as the type species of this genus the species Papilio galathea Linnaeus or putting forward a similar request in relation to the species Papilio maera Linnaeus. After anxious consideration and in agreement with Mr. N. D. Riley and Mr. W. H. T. Tams of the British Museum (Natural History) I came to the conclusion that the former of these courses was the least open to objection, for, if Papilio maera Linnaeus were to become the type species of Satyrus Latreille, that name would replace the well-established name Pararge Hübner, while if Papilio galathea Linnaeus were to be designated as the type species of Satyrus, it would replace the little-known name Agapetes Billberg, which (as already explained) had priority over the well-known name Melanargia Since at that time it seemed too much to hope that, in addition to using its Plenary Powers to designate a non-included species to be the type species of Satyrus Latreille, the Commission would use those Powers to save the name Melanargia Meigen by suppressing the older name Agapetes Billberg, we decided that, as a choice of evils, the best course would be to ask the Commission to use its Plenary Powers to designate *Papilio galathea* Linnaeus to be the type species of *Satyrus* Latreille. I accordingly submitted a recommendation in this sense on behalf of my colleagues and myself (*Gen. Names hol. Butts.* 1:40).

When this proposal came to be considered at Lisbon in 1935, the Commission showed a much greater willingness than ever before to use its Plenary Powers in the interest of promoting stability in nomenclature, and I accordingly took the opportunity to amend the proposal which we had submitted in regard to the name Satyrus Latreille by substituting a revised proposal that the Commission should use its Plenary Powers to designate as the type species of that genus the species Papilio actaea Esper, [1780], a species which had not been included in this genus by Latreille, but one, the designation of which as its type species would preserve the traditional usage of the name Satyrus Latreille. This revised proposal was approved by the Commission, the decision so taken being later embodied in Opinion 142 (1943, Ops. Decls. int. Comm. zool. Nomencl. 2: 67—80).

I have long regretted that, when revising our proposal in relation to the generic name Satyrus Latreille, I did not at the same time submit a proposal that the Commission should preserve the name Melanargia Meigen by suppressing the name Agapetes Billberg. I accordingly welcome and warmly support the proposal submitted by Dr. Paclt that this course should now be taken by the Commission.

9. Support received from Pater Sigbert-Wagener (Mainz a. Rhein, Germany): On 31st December 1954, Dr. E. M. Hering communicated to the Office of the Commission a statement prepared by Pater Sigbert-Wagener (Mainz a. Rhein, Germany) in support of the present application. The following is a translation from the German of the communication so received:—

After three years' work on the preparation of a monograph on the genus *Melanargia* Meigen, [1828], I would like to ask the International Commission on Zoological Nomenclature to suspend the *Règles* in order to preserve the generic name *Melanargia* Meigen, I put forward this request for the following reasons:

- (1) As F. Hemming has convincingly demonstrated, according to a strict application of the *Règles*, the name *Agapetes* Billberg, 1820, would have priority.
- (2) In the whole of the extremely comprehensive literature on the genus *Melanargia*, apart from Billberg himself, the name *Agapetes* has been used only twice, and then in quite unimportant contexts, namely, Moore, *Lep. Ind.* 2:15 (1893—6) and Bingham, *Butt. Ind.* 1:108 (1905).

- (3) Even after the nomenclatorial exposition of Hemming, the name *Agapetes* never succeeded in gaining acceptance, and even for a time after 1934 gave place to the name *Satyrus* Latr.
- (4) The practical situation today is that, apart from about a dozen specialists, the name *Agapetes* has no meaning for anyone, whereas the name *Melanargia* represents a perfectly clear-cut concept. The generic name *Melanargia* serves as a meaningful and characteristic master designation for all species in this genus.
- (5) In the course of time in scientific writings a number of derivatives from the name *Melanargia* have been formed, such as e.g. "melanargoid pattern" of Schwanitsch, 1931, and others, so that in preparing scientific papers on this subject one would constantly be faced with the need either to apply such "termini technici" in contradiction to the vaid generic name or to change them into "agapetoid", which would certainly not serve to enhance the uniformity of concepts! In the interests of scientific understanding it seems to me not sensible to allow a generic name that has been used by European and Asiatic authors in thousands of publications for more than a hundred years to be replaced by another and virtually unknown name.

# III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

- 10. Issue of Voting Paper V.P.(54)94: On 26th November, 1954, a Voting Paper (V.P.(54)94) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *Melanargia* Meigen, [1828], as specified in Points (1) to (4) in paragraph 6 on page 222 of volume 9 of the *Bulletin of Zoological Nomenclature*" [i.e. in the Points numbered as above in paragraph 6 of the application reproduced in the first paragraph of the present *Opinion*].
- 11. The Prescribed Voting Period: As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th February 1955.

- 12. Particulars of the Voting on Voting Paper V.P.(54)94: At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54) 94 was as follows:—
  - (a) Affirmative Votes had been given by the following twenty-one (21) Commissioners (arranged in the order in which Votes were received):

Holthuis; Hering; Lemche; Stoll; Bradley (J.C.); Vokes; Esaki; Bodenheimer; Dymond; Bonnet; Riley; Boschma; Miller; Key; Hankó; do Amaral; Hemming; Cabrera; Kühnelt; Jaczewski; Sylvester-Bradley;

(b) Negative Votes:

None;

(c) On leave of Absence, two (2):

Mertens; Prantl;

(d) Voting Papers not returned:

None.

- 13. Declaration of Result of Vote: On 27th February 1955, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)94, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.
- 14. Preparation of the Ruling given in the present "Opinion": On 1st March 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those

of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54) 94.

15. Original References: The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion*:—

Agapetes Billberg (G.J.), 1820, Enum. Ins. Mus. Billberg: 78

Arge Hübner, [1819], Verz. bekannt. Schmett. (4): 60

galathea, Papilio, Linnaeus, 1758, Syst. Nat. (ed. 10) 1: 474

lachesis, Papilio, Hübner, 1790, Beitr. Schmett. 2(3): 70, pl. 3, figs. P.1, 23.

Melanargia Meigen, [1828], Syst. Beschr. europ. Schmett. 1(3): 97

- **16.** The following is the reference for the selection of a type species for the genus *Melanargia* Meigen, [1828,] specified in the Ruling given in the present *Opinion*:—Kirby, 1894, *in* Allen's *Nat. Libr.*, Handbook Lepid. 1 Butt. **1**: 240.
- 17. Family-Group Name Position: The present application was prepared prior to the issue by the Fourteenth International Congress of Zoology, Copenhagen, 1953, of a General Directive to the Commission that, when placing a generic name on the Official List of Generic Names in Zoology, it is to examine also the question whether that has been taken as the base for the name of a taxon belonging to the family-group. This aspect of the present case is being examined separately on Commission's File Z.N.(S.) 1113<sup>2</sup>.
- 18. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the Inter-

<sup>&</sup>lt;sup>2</sup> A decision on this matter has since been taken by the International Commission and has been embodied in *Direction 54*, which will be published as Part 26 of the present volume.

national Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

19. The present *Opinion* shall be known as *Opinion* Four Hundred (400) of the International Commission on Zoological Nomenclature.

DONE in London, this First day of March, Nineteen Hundred and Fifty-Six.

Secretary to the International Commission on Zoological Nomenclature

## FRANCIS HEMMING